

Appl. No. 10/655,841
Amdt. Dated 11/30/2005
Reply to Office Action of September 1, 2005

REMARKS/ARGUMENTS

In the outstanding Office Action, claims 1-9 were objected to as referring to "being capable of". This reference has now been eliminated from these claims, as well as from claim 10.

Also claims 3 and 12 were indicated as containing allowable subject matter. These claims have been presented in independent form, together with most of the dependent claims originally depending on claims 1 and 10, as new claims 23-34. Accordingly these claims should now be allowable.

In the Office Action, claims 1-2, 4-11 and 13-22 are rejected under 35 USC 103(a) as being unpatentable over Narayanaswami U.S. Patent No. 6,720,860 in view of Gaides U.S. Patent No. 6,905,219 and further in view of Ritter U.S. Patent No. 6,657,538. With respect to Gaides, Applicant acknowledges that providing a restricted view of code symbols is known in the prior art, as shown in the prior art submitted by Applicant itself. However it is believed that the rejection of these claims, as well as the other original claims using Narayanaswami and Ritter is improper for the following reasons. Narayanaswami and Ritter each provide only a single level of security, unlike the present invention that provides two levels of security, and without requiring the user to have any physical object like a card of any kind in his possession. For instance, the Examiner states that "Narayanaswami teaches a security device comprising: a keypad/display having a plurality of code symbol display positions, each for displaying any one of a plurality of code symbols (col. 8 lines 28-33), the keypad/display changing the display position of code symbols on each operation of the keypad/display (col. 8 lines 37-39, col. 8 lines 50-55)." Note that this provides only one level of security.

With respect to Ritter, the Examiner states "Ritter teaches the biometric device acquiring data from at least a portion of said user's face situated in said particular region and capable or performing biometric recognition of said user using said data (col. 4 lines 25-40). Ritter teaches the biometric device is activated in response to or in conjunction with the initiation of the entry of a code by inserting the SIM-card representing an alternative to inputting the identification using the symbols." This, however, is incorrect. The undersigned could not find any reference to a code or personal identification number. The claims relate to biometric keys, not defined in the specification, which specification refers to biometric features. Even if there was a number or other identification such as the person's name in addition to the biometric data on the SIM-card, such number or other identification would not provide a second level of identification, as it would be inseparable from the biometric data on the same card. In other words, having the card necessarily constitutes possession of the identification, if there is one, as well as possession of the biometric data. Consequently, Ritter also provides only one level of security, namely, the security provided by the comparison of the biometric data. In that regard, note that in Ritter, the biometric data is in the SIM-card as well as in a database. This undoubtedly is because such devices are not accurate enough to compare biometric data taken with a camera to a database of biometric data taken for a significant population to identify the person presented to the camera as being a specific person in the database, or alternatively not in the database. Instead in Ritter, the biometric data for the person presented to the camera is compared with the biometric data on the SIM-card, a much less demanding and much looser comparison, with the biometric data on the

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SIM-card being compared with the database to be sure that data is in fact in the database to verify the authenticity of the SIM-card itself.

Thus the Examiner has failed to cite any prior art that provides two levels of security, and particularly two levels of security without requiring the user of the security system to have any physical object in his possession, such as any form of card or the like, as in the present invention. Consequently, reconsideration of the rejection of the original claims is respectfully requested.

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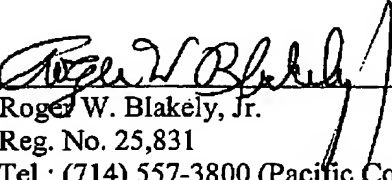
CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 11/30/2005

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Jessica A. Clark

11/30/2005
Date